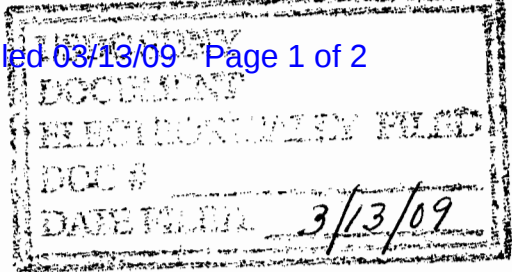


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
JAMES ANDERSON,

Plaintiff,

-against-

DR. ROMANO, ET AL.,

Defendants.  
-----X**MEMORANDUM AND ORDER**

08 Civ. 559 (JSR)(KNF)

KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

James Anderson, proceeding pro se, brought this action, pursuant to 42 U.S.C. § 1983, alleging the defendants, all of whom, except for defendant Commissioner Glenn Goord, are employed at the Green Haven Correctional Facility, violated his constitutional rights by exhibiting deliberate indifference to the plaintiff's medical needs. The plaintiff has made an application to the Court that counsel be appointed to assist him in prosecuting this action. See 28 U.S.C. § 1915(e)(1). However, the plaintiff has not indicated to the Court, through his application, that he made any effort to engage counsel prior to making the instant application. Where, in a civil action, an applicant for appointment of counsel fails to make any effort to engage counsel, appointing counsel for the applicant would not be appropriate. See Hodge v. Police Officers, 802 F.2d 58, 61 (2d Cir. 1986); Abukar v. Comm'r of Soc. Sec., No. 07 CV 1770, 2007 WL 2729858, at \*2 (S.D. Cal. Sept. 19, 2007). Therefore, the plaintiff's request that the Court appoint counsel to represent him, is denied.

Dated: New York, New York  
March 13, 2009

SO ORDERED:

*Kevin Nathaniel Fox*\_\_\_\_\_  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

Mailed copies to:

James Anderson  
Daniel Schulze, Esq.